

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FONTELLA BROWN-MARSHALL,

Plaintiff,

vs.

THOMAS DART, Sheriff of Cook County,

Defendant.

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Case No. 08 C 2534

Judge David H. Coar

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Defendant Thomas Dart, in his official capacity of Sheriff of Cook County, Illinois, by and through his attorney, Richard A. Devine, State's Attorney of Cook County, and his Assistant State's Attorney, Gregory Vaci, answer as follows:

1. This is a civil action arising under Title VII of the Civil Rights Act of 1964. The jurisdiction of this Court is conferred by 42 U.S.C. §2000e et seq.

ANSWER: Defendant admits jurisdiction is correct

2. Plaintiff Fontella Brown Marshall is an African-American female resident of the Northern District of Illinois.

ANSWER: Defendant lacks sufficient knowledge and information to admit or deny the contents of paragraph 2.

3. Defendant is the Sheriff of Cook County.

ANSWER: Defendant admits the contents of paragraph 3.

4. Plaintiff has been employed by defendant from about 1998 to the present as a correctional officer.

ANSWER: Defendant admits the contents of paragraph 4.

5. From March 3, 2006 through December 5, 2007, plaintiff was assigned to work as an investigator in the Internal Affairs Division.

ANSWER: Defendant admits the contents of paragraph 5.

6. While assigned to the Internal Affairs Division, plaintiff was subjected to disparate treatment because of her race, including but not limited to being required to carry a heavier caseload than her white counterparts and being subjected to harsh discipline for the type of trivial oversights which were overlooked for her white counterparts.

ANSWER: Defendant denies the contents of paragraph 6.

7. On December 5, 2007, because of her race and sex, plaintiff was subjected to an adverse employment action when she was transferred out of Internal Affairs.

ANSWER: Defendant denies the contents of paragraph 7.

8. Plaintiff filed a timely charge of discrimination with the EEOC and brings this action within 90 days of receipt of her notice of right to sue.

ANSWER: Defendant lacks sufficient knowledge and information to admit or deny the contents of paragraph 8.

9. Plaintiff demands trial by jury.

Wherefore plaintiff requests that the Court order her reinstatement to the Internal Affairs Division, that judgment be entered for compensatory and punitive damages in an amount in excess of one hundred thousand dollars and that the costs of this action, including reasonable attorney's fees, be taxed against defendant.

ANSWER: Defendant denies that punitive damages are available against Defendant as a unit of local government.

AFFIRMATIVE DEFENSES

1. Defendant asserts that Plaintiff has not exhausted all administrative requirements with the EEOC.
2. Punitive damages are not available against Defendant as a unit of local government.

Respectfully Submitted,

S/Gregory Vaci
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